THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.17270 of 2007

Dated 14-08-2007

Between:

Nartu Seshagiri Rao and others

…Petitioners

And

The Sub-Registrar, Madhurawada,
Visakhapatnam District, and another

…Respondents

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.17270 of 2007

ORDER:

Petitioners claim to be the owners of plots of land in Sy.Nos.137/P, 138/P and 141/P of Paradesipalem, Chinagadili Mandal, Visakhapatnam District. When they expected interference by some third parties, they filed O.S.No.226 of 2007 in the Court of VII Additional District Judge (Fast Track Court), Visakhapatnam, and obtained an order of *status quo*, on 06-08-207, in I.A.No.578 of 2007.

On coming to know that the third parties are going to execute the sale deeds, *vis-à-vis* their plots, and submit the same for registration, before the 1st respondent, petitioners got issued a layer's notice, dated 31-07-2007, requesting him not to register the documents, in respect of the said properties, if anybody present the same. The 1st respondent replied through proceedings dated 31-07-2007, stating that he cannot accede to the request of the petitioners, and if they are so advised, they can seek redressal from a competent Court of law. Petitioners challenge the said endorsement.

Heard the learned counsel for the petitioners and learned Government Pleader for Revenue.

Time and again, this Court held that Registering Authority does not have the power, or jurisdiction, to decide the title of the parties, to any document, that is presented for registration.

The petitioners assert title in respect of the plots, in the survey

numbers mentioned above. If they are of the view, that unauthorized persons are trying to exercise rights, or ownership over the plots, they have to initiate proceedings in a Civil Court, duly impleading the effected parties. In a given case, it may even be permissible to implead the 1st respondent, to seek appropriate directions, in the form of injunction, duly satisfying the concerned Court. In the absence of any specific orders from a competent Court of law, the 1st respondent cannot be prevented, or restrained from entertaining the documents.

Therefore, no exception can be taken to the impugned memo. It shall, however, be open to the petitioners to approach a competent Civil Court and obtain appropriate orders, duly satisfying the concerned Court.

The writ petition is accordingly disposed of. There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.14-08-2007.

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